

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL BROWN, SR., et al.,

Plaintiff,

v.

CITY OF FERGUSON, MISSOURI, et al.,

Defendants.

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No. 4:15CV00831 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs Michael Brown, Sr. and Lesley McSpadden's Petition for Approval of a Confidential Wrongful Death Settlement [ECF No. 200-1].

This case arises out of the death of Michael O.D. Brown, Jr. on August 9, 2014. Plaintiffs Michael Brown, Sr. and Lesley McSpadden are Decedent's surviving parents. Under Missouri law, a wrongful death settlement requires court approval. *See* Mo. Rev. Stat. § 537.095.1. To obtain approval, Plaintiffs must demonstrate: (1) they diligently attempted to notify all spouses, children, and parents of the decedent, and if none of those relatives survive, then the siblings of the decedent; (2) the amount of settlement is fair and reasonable; and (3) the attorneys' fees are paid in accordance with the Missouri Rules of Professional Conduct. Mo. Rev. Stats. §§ 537.080.1, 537.095.3, 537.095.4; *Eng. V. Cummings, McClorey, Davis & Acho, PLC*, 611 F.3d 428, 435 (8th Cir. 2010); *Hinrichs v. Roberts Trading Co., L.P.*, No. 4:15-CV-00820-DGK, 2016 WL 4083488 (W.D. Mo. Aug. 1, 2016).

The Court finds Plaintiffs have demonstrated the settlement complies with the law's requirements. Plaintiffs have satisfied the notice requirements; they are the only known

individuals entitled to recover because Decedent had no known spouses or children. The gross settlement amount is fair and reasonable compensation for this wrongful death claim and is in the best interests of each Plaintiff. The split of the amount between Michael Brown, Sr. and Lesley McSpadden is fair and reasonable. Finally, the settlement agreement provides for a reasonable amount of attorneys' fees and litigation expenses. The Court approves the settlement.

Plaintiffs shall collect and receipt the payment of the judgment pursuant to Missouri Revised Statute § 537.095.4(1). Plaintiffs shall acknowledge satisfaction in whole for the judgment and costs pursuant to Missouri Revised Statute § 537.095.4(3). Plaintiffs shall distribute the net proceeds under the judgment pursuant to Missouri Revised Statute § 537.095.4(4). Plaintiffs shall report and account therefor to the Court pursuant to Missouri Revised Statute § 537.095.4(5). Plaintiffs are not required to give bond for the collection and distribution of the net proceeds.

The settlement agreement shall remain sealed by this Court and shall be considered a closed record under Missouri Revised Statute § 610.021, due to the adverse impact to Plaintiffs should it be disclosed. Disclosure of the terms of the settlement agreement could jeopardize the safety of individuals involved in this matter, whether as witnesses, parties, or investigators. The public policy to consider records open is outweighed by the adverse impact to Plaintiffs.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs Michael Brown, Sr. and Lesley McSpadden's Petition for Approval of a Confidential Wrongful Death Settlement [ECF No. 200-1] is **GRANTED**.

IT IS FURTHER ORDERED that the amounts recovered shall be distributed between Plaintiffs and their attorneys as outlined in the settlement agreement.

IT IS FURTHER ORDERED that the settlement agreement shall be considered a closed record.

IT IS FURTHER ORDERED that all claims against Defendants are **DISMISSED**, with **prejudice**, each party to bear its own costs and attorneys' fees.

So Ordered this 20th Day of June, 2017.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE